IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 30652 of 2007(Y)

PETITIONER:

PERIYASAMY, S/O. APPAVU PILLAI,
48A, PADUTHURA, MANACHANALLUR, TRICHY, TAMILNADU.

BY ADV. SMT.K.G.SAROJINI

RESPONDENTS:
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1. **THE JOINT REGIONAL TRANSPORT OFFICER,**
   CHANGANACHERRY, KOTTAYAM DISTRICT.

2. **SRI. RAJESH T.G.,**
   RAJ BHAVAN, PALLICKACHIRA KAVALA,
   PAIPPADU, CHANGANACHERRY.

3. **M/S. CITY CORP FINANCE LTD.,**
   GROUND FLOOR, BUSINESS COMMUNICATION CENTRE,
   CHIRAMEL CHAMBER, KURISUPALLY ROAD, RAVIPURAM,
   COCHIN-682 015.

BY ADV. SRI.K.K.M.SHERIF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL
SRI.V.R.REKESH
BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.30652/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DEMAND DRAFT NO.615242 DTD. 28/04/2007 ISSUED BY I.C.I.C.I. BANK, KARUR FOR RS.5,00,000/-.**

EXT.P2: **COPY OF THE DEMAND DRAFT NO.151989 DTD. 30/04/2007 ISSUED BY I.C.I.C.I. BANK, KARUR FOR RS.11,00,000/-.**

EXT.P3: **COPY OF THE DEMAND DRAFT NO.271231 DTD. 30/04/2007 ISSUED BY KARUR VYSYA BANK, PAUNDAMANGALA FOR RS.10,00,000/-.**

EXT.P4: **COPY OF THE COMMUNICATION DTD. 09/08/2007 SENT TO THE 2ND AND 3RD RESPONDENT BY THE 1ST RESPONDENT.**

EXT.P5: **COPY OF THE APPLICATION DTD. 20/07/2007 FOR TERMINATION OF HP NOTED IN THE REGISTRATION CERTIFICATE OF VEHICLE NO.KL-5 W-5160 ADDRESSED TO THE 1ST RESPONDENT.**

EXT.P6: **COPY OF THE APPLICATION MADE BY THE 2ND RESPONDENT SEEKING WITHDRAWAL OF THE APPLICATION FOR FRESH R.C.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) No. 30652 OF 2007 Y
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Dated this the 25th October, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to consider and take immediate action on Ext.P5 application for cancellation of HP endorsement relating to the vehicle stated to have been purchased by the petitioner. It is submitted that although Ext. P5 has been filed as early as on 20-7-2007 the 1st respondent has not passed orders thereon.

2. While admitting this writ petition notice was ordered to be served by special messenger. Despite service of notice, the 2nd respondent, registered owner, has not chosen to enter appearance or to make his submissions. The 3rd respondent financier submits that they have issued all necessary documents and they have no objection in favourably considering the application of the petitioner.

3. The learned Govt. Pleader points out that the petitioner is a stranger and it is the 2nd respondent,

being the registered owner, who is competent to make the application. This is contradicted by counsel for the petitioner by submitting that he has purchased the vehicle and therefore is entitled to make the application.

4. Irrespective of the controversy that is raised by the parties I am inclined to dispose of the writ petition directing the 1st respondent to consider Ext. P5 application submitted by the petitioner. Before orders are passed, the 1st respondent shall issue notice to the petitioner and also to the 2nd respondent being the registered owner of the vehicle. After giving the parties an opportunity to express their views in the matter, it will be open to the 1st respondent to pass appropriate orders on Ext. P5.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-.